

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

LARRY PRIDE,

Petitioner,

v.

Case No. 3:09-cv-519-TJC-JBT

SECRETARY, FLORIDA
DEPARTMENT OF CORRECTIONS,
et al.,

Respondents.

ORDER

Petitioner, an inmate of the Florida penal system, was charged in state court with two counts of sale or delivery of cocaine. He was tried separately on each count and following his convictions, he sought separate direct appeals challenging such. Later, he filed two 28 U.S.C. § 2254 federal habeas actions challenging those convictions separately. He challenged his conviction for count two (the January 2, 2005, sale) in this case: No. 3:09-cv-519-TJC-JBT; and he challenged his conviction relating to count one (the December 30, 2004, sale) in No. 3:09-cv-323-MMH-MCR. In July 2012, the Court adjudicated the federal habeas claims Petitioner raised in this action, see Doc. 42, and the Eleventh Circuit Court of Appeals denied a certificate of appealability soon after, see Doc.

50. In November 2021, Petitioner filed a “Request for Belated Habeas Corpus Relief under 2254 Proceedings” (Doc. 61). The Court denied Petitioner’s Request on March 4, 2022. See Doc. 63.

Before the Court is Petitioner’s Notice of Appeal (Doc. 65) seeking review of the Court’s March 4, 2022, Order, and a Motion for Certificate of Appealability (Doc. 64). This Court should issue a certificate of appealability only if a petitioner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. §2253(c)(2). To make this substantial showing, Petitioner “must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong,” Tennard v. Dretke, 542 U.S. 274, 282 (2004) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)), or that “the issues presented were ‘adequate to deserve encouragement to proceed further,’” Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003) (quoting Barefoot v. Estelle, 463 U.S. 880, 893 n.4 (1983)). Upon due consideration, this Court denies a certificate of appealability. Because this Court has determined

that a certificate of appealability is not warranted, Petitioner's Motion for Certificate of Appealability (Doc. 64) is **DENIED**.

DONE AND ORDERED at Jacksonville, Florida, this 5th day of April, 2022.



Timothy J. Corrigan

TIMOTHY J. CORRIGAN
United States District Judge

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C: Larry Pride, #993675